

REMARKS

In response to the Office Action mailed June 10, 2010, the Assignee respectfully requests reconsideration. To further prosecution of this application, each of the rejections set forth in the Office Action has been carefully considered and is addressed below. The application as presented is believed to be in condition for allowance.

I. Rejections Under 35 U.S.C. §103

The Office Action rejects claims 1, 5, 7-11, 18-21, and 23 (including independent claims 1, 11, and 21) under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent 7,031,998 (“Archbold”) in view of U.S. Patent No. 5,163,085 (“Sweet”) in further view of U.S. Publication No. 2003/0046350 (“Chintalapati”). In view of the amendments herein, the Assignee respectfully requests reconsideration.

A. The Purported Combination of Archbold, Sweet, and Chintalapati Fails to Disclose or Suggest All Limitations of Any of Independent Claims 1, 11, and 21

Independent Claim 1

Claim 1 includes a limitation that recites, “means for creating a list of suitable persons ranked according to each person’s suitability and/or availability to perform the transcription job based, at least in part, on the stored personal parameters including **the person’s familiarity with a specialist field associated with the content of the recorded dictation**, and based, at least in part, on the transcription job classification ... (emphasis added).” Neither Archbold, Sweet, nor Chintalapati discloses or suggests this limitation of claim 1.

The Office Action concedes that Archbold and Sweet fail to disclose or suggest this limitation of claim 1 but asserts that ¶35 of Chintalapati teaches assigning voice jobs to the most capable transcriptionists based on certain predetermined criteria (Office Action, page 8). However, the predetermined criteria described in Chintalapati do not include a person’s familiarity with a specialist field associated with the content of a recorded dictation, as required by claim 1. Rather, the system of Chintalapati spools a particular dictation to a particular client computer based on a

spooling algorithm that ranks transcriptionists based on “a total number of transcriptions each transcriptionist has completed for an author of a dictation to be transcribed,” or “each transcriptionist’s quality of past transcription(s) for an author of a dictation to be transcribed” (Chintalapati, [0019]-[0020]). Chintalapati does not disclose or suggest any other criteria that are used to rank transcriptionists for the routing of transcription jobs. Archbold and Sweet fail to cure this deficiency of Chintalapati.

For at least this reason, claim 1 patentably distinguishes over the purported combination of Archbold, Sweet, and Chintalapati and it is respectfully requested that the rejection under 35 U.S.C. §103 be withdrawn. Claims 3-10 depend from claim 1 and patentably distinguish over Archbold, Sweet, and Chintalapati for at least the same reasons.

Independent Claim 11

Claim 11 includes a limitation that recites, “creating a list of suitable persons ranked according to each person’s suitability and/or availability to perform the transcription job based, at least in part, on the stored personal parameters including **the person’s familiarity with a specialist field associated with the content of the recorded dictation**, and based, at least in part, on the transcription job classification ... (emphasis added).”

As should be appreciated from the foregoing, neither Archbold, Sweet, nor Chintalapati discloses or suggests the above-highlighted limitation of claim 11. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. §103 be withdrawn. Claims 13-20 depend from claim 11 and each patentably distinguishes over Archbold, Sweet, and Chintalapati for at least the same reasons.

Independent Claim 21

Claim 21 includes a limitation that recites, “at least one processor programmed to ... create a list of suitable persons ranked according to each person’s suitability and/or availability to perform the transcription job based, at least in part, on the stored personal parameters including **the person’s familiarity with a specialist field associated with the content of the recorded dictation**, and based, at least in part, on the transcription job classification ... (emphasis added).”

As should be appreciated from the foregoing, neither Archbold, Sweet, nor Chintalapati discloses or suggests the above-highlighted limitation of claim 21. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. §103 be withdrawn. Claims 22 and 23 depend from claim 21 and each patentably distinguishes over Archbold, Sweet, and Chintalapati for at least the same reasons.

II. General Comments on Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, for the sake of brevity, the Assignee believes that it is unnecessary at this time to argue the further distinguishing features of the dependent claims. However, the Assignee does not necessarily concur with the interpretation of the previously presented dependent claims as set forth in the Office Action, nor does the Assignee concur that the basis for rejection of any of the previously presented dependent claims is proper. Therefore, the Assignee reserves the right to specifically address the further patentability of the dependent claims in the future.


CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance to discuss any outstanding issues relating to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, the Assignee hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. N0484.70056US00.

Dated: 9/10/10

Respectfully submitted,
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